

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA)	
)	
v.)	CASE No. 08-CR-181
)	
MARIO S. LEVIS)	
_____)	

**DEFENDANT'S MOTION TO FILE, *EX PARTE* AND UNDER
SEAL, A LIST OF POTENTIAL DEFENSE WITNESSES,
OR FOR AN *EX PARTE, IN CAMERA* HEARING, IN
SUPPORT OF MOTION TO TRANSFER THE CASE**

Defendant Mario S. Levis, through counsel, respectfully moves this Court for an Order permitting him to file, *ex parte* and under seal, a list of potential defense witnesses (and the location of their residence), or for an *ex parte, in camera* hearing, in support of his motion to transfer the case to the District of Puerto Rico. AUSA Christopher Garcia advises that the government opposes this motion. In support of this motion, defendant states:

1. Defendant Levis is filing, contemporaneously herewith, a motion to transfer the venue of the trial from the Southern District of New York to the District of Puerto Rico, pursuant to Fed.R.Crim.P. 21(b).

2. As one factor in support of the motion, Levis submits that a majority of the prosecution and defense witnesses are located in the District of Puerto Rico.

3. To date, the government has not provided Levis with a list of prospective government witnesses, despite a defense request.

4. Levis is prepared to provide the Court with a list of potential defense witnesses, identifying each one's domicile and relationship to the case, so that the Court may fairly

consider whether those defense witnesses would be more inconvenienced by a trial in New York than in San Juan.

5. Because the government has not provided the defense with a witness list, it would be unfair – and it would compromise the defense at this stage – for the government to be informed of the potential defense witnesses.

6. Levis respectfully requests permission to file a list of defense witnesses under seal and *ex parte* in support of his motion to transfer for the trial. In the alternative, Levis requests an *ex parte, in camera* hearing for that purpose.

7. The purpose of such a list would be to establish that the overwhelming number of potential defense witnesses reside in Puerto Rico. Levis would be prepared to file such a list after the Court rules on the instant motion.

Respectfully submitted,

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